

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This Document Relates to:

Case Nos.:

- 17-cv-00998 (*Gruetzmacher v. 3M Company*)
 - 17-cv-01017 (*Garcia v. 3M Company*)
 - 17-cv-01139 (*Husman v. 3M Company*)
 - 17-cv-01215 (*Pickens v. 3M Company*)
 - 17-cv-01250 (*Sparks v. 3M Company*)
 - 17-cv-01323 (*Peters v. 3M Company*)
 - 17-cv-01407 (*Jadwin v. 3M Co., et al.*)
 - 17-cv-02099 (*Osborne v. 3M Co., et al.*)
 - 17-cv-02231 (*Nunn v. 3M Co., et al.*)
 - 17-cv-02319 (*Taylor v. 3M Co., et al.*)
 - 17-cv-02383 (*Blancett v. 3M Co., et al.*)
 - 17-cv-02415 (*Pickett v. 3M Co., et al.*)
 - 17-cv-02452 (*Suchan v. 3M Co., et al.*)
 - 17-cv-02589 (*Rashad v. 3M Co., et al.*)
 - 17-cv-02726 (*McCall v. 3M Co., et al.*)
 - 17-cv-03103 (*Ghidella v. 3M Co., et al.*)
 - 17-cv-03187 (*Gawthrop v. 3M Co., et al.*)
 - 17-cv-03233 (*McLaughlin v. 3M Co., et al.*)
 - 17-cv-03819 (*Mazer v. 3M Co., et al.*)
 - 17-cv-03823 (*Miller v. 3M Co., et al.*)
 - 17-cv-03895 (*Loving v. 3M Co., et al.*)
 - 17-cv-03948 (*Gilliam v. 3M Co., et al.*)
 - 17-cv-03954 (*Rietz v. 3M Co., et al.*)
 - 17-cv-03956 (*Reeves v. 3M Co., et al.*)
 - 17-cv-04094 (*O'Connell v. 3M Co., et al.*)
 - 17-cv-04177 (*Butler v. 3M Co., et al.*)
-

**DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO COMPLY
WITH PRETRIAL ORDER NO. 14**

Pursuant to the Court's Pretrial Order No. 14 ("PTO 14"), entered September 27, 2016, Defendants 3M Company and Arizant Healthcare, Inc. (collectively, "Defendants")

respectfully move the Court to dismiss the following plaintiffs' cases for failure to comply with PTO 14:

Case Number	Plaintiff	Firm Name
0:17-cv-00998-JNE-FLN	Gruetzmacher	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:17-cv-01017-JNE-FLN	Garcia	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:17-cv-01139-JNE-FLN	Husman	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:17-cv-01215-JNE-FLN	Pickens	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:17-cv-01250-JNE-FLN	Sparks	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:17-cv-01323-JNE-FLN	Peters	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:17-cv-01407-JNE-FLN	Jadwin	Brown & Crouppen, P.C.
0:17-cv-02099-JNE-FLN	Osborne	Kennedy Hodges, L.L.P.
0:17-cv-02231-JNE-FLN	Nunn	Kennedy Hodges, L.L.P.
0:17-cv-02319-JNE-FLN	Taylor	Kennedy Hodges, L.L.P.
0:17-cv-02383-JNE-FLN	Blancett	Kennedy Hodges, L.L.P.
0:17-cv-02415-JNE-FLN	Pickett	Kennedy Hodges, L.L.P.
0:17-cv-02452-JNE-FLN	Suchan	Kennedy Hodges, L.L.P.
0:17-cv-02589-JNE-FLN	Rashad	Kennedy Hodges, L.L.P.
0:17-cv-02726-JNE-FLN	McCall	Kennedy Hodges, L.L.P.
0:17-cv-03103-JNE-FLN	Ghidella	Kennedy Hodges, L.L.P.
0:17-cv-03187-JNE-FLN	Gawthorp	Kennedy Hodges, L.L.P.
0:17-cv-03233-JNE-FLN	McLaughlin	Kennedy Hodges, L.L.P.
0:17-cv-03819-JNE-FLN	Mazer	Hollis Legal Solutions, PLLC
0:17-cv-03823-JNE-FLN	Miller	Bernstein Liebhard LLP
0:17-cv-03895-JNE-FLN	Loving	Kennedy Hodges, L.L.P.
0:17-cv-03948-JNE-FLN	Gilliam	Brent Coon & Associates
0:17-cv-03954-JNE-FLN	Rietz	Brent Coon & Associates
0:17-cv-03956-JNE-FLN	Reeves	Kennedy Hodges, L.L.P.
0:17-cv-04094-JNE-FLN	O'Connell	Bachus & Schanker LLC
0:17-cv-04177-JNE-FLN	Butler	Kennedy Hodges, L.L.P.

As set forth in Defendants' Memorandum of Law in Support of Motion to Dismiss for Failure to Comply with Pretrial Order No. 14, there are three (3) categories of cases where plaintiffs have failed to serve a Plaintiff Fact Sheet ("PFS") compliant with the requirements set forth by the Court in PTO 14: (a) cases where no PFS has been served by plaintiff; (b) cases where plaintiff served a PFS with core deficiencies, and failed to cure them or otherwise respond to Defendants' first and/or second deficiency letter; and (c) cases where plaintiff served a PFS with core deficiencies, and failed to cure them after Defendants' third deficiency letter. Defendants placed the above cases on the agenda for two sequential Court status conferences. Dismissal of these cases with prejudice is therefore appropriate under PTO 14, ¶ 8, and Defendants respectfully request the Court grant their motion regarding same.

Dated: February 1, 2018

Respectfully submitted,

s/ Benjamin W. Hulse
Jerry W. Blackwell (MN #186867)
Mary S. Young (MN #0392781)
Benjamin W. Hulse (MN #0390952)
BLACKWELL BURKE P.A.
431 South Seventh Street
Suite 2500
Minneapolis, MN 55415
Phone: (612) 343-3256
Fax: (612) 343-3205
Email: blackwell@blackwellburke.com
myoung@blackwellburke.com
bhulse@blackwellburke.com

Bridget M. Ahmann (MN #016611x)
FAEGRE BAKER DANIELS LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
Phone: (612) 766-7000
Email: bridget.ahmann@faegrebd.com

*Counsel for Defendants 3M Company
and Arizant Healthcare Inc.*